

AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY MARCH 14, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 149

Introduced by Assembly Member Lara

January 18, 2011

An act to amend Sections 19131 and 19132 of the Government Code, relating to civil service.

LEGISLATIVE COUNSEL'S DIGEST

AB 149, as amended, Lara. Civil service: personal services contracts.

Existing law, the State Civil Service Act, establishes standards for the use of personal services contracts. Any state agency proposing to execute a contract pursuant to these standards is required to notify the State Personnel Board of its intention. Any employee organization may request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed pursuant to the law governing these contracts. The State Personnel Board, at the request of an employee organization that represents state employees, is also required to review the adequacy of any proposed or executed contract, as specified.

This bill would additionally authorize, if the State Personnel Board either ~~prohibits~~ *disapproves* a proposed contract ~~from being executed or nullifies prior to execution or disapproves~~ an executed contract based on the reviews described above, the department or agency submitting the contract to ~~create and fill a civil service position~~ *appoint a limited term employee, as defined*, for the equivalent number of hours for each contractor position requested in the submitted ~~contract~~. *contract, if the department or agency provides written notice of the appointment to the*

chairpersons of specified legislative committees, and the committees each approve the appointments within 15 days of notification, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19131 of the Government Code is
2 amended to read:
3 19131. Any state agency proposing to execute a contract
4 pursuant to subdivision (a) of Section 19130 shall notify the State
5 Personnel Board of its intention. All organizations that represent
6 state employees who perform the type of work to be contracted,
7 and any person or organization which has filed with the board a
8 request for notice, shall be contacted immediately by the State
9 Personnel Board upon receipt of this notice so that they may be
10 given a reasonable opportunity to comment on the proposed
11 contract. Departments or agencies submitting proposed contracts
12 shall retain and provide all data and other information relevant to
13 the contracts and necessary for a specific application of the
14 standards set forth in subdivision (a) of Section 19130. Any
15 employee organization may request, within 10 days of notification,
16 the State Personnel Board to review any contract proposed or
17 executed pursuant to subdivision (a) of Section 19130. The review
18 shall be conducted in accordance with subdivision (b) of Section
19 10337 of the Public Contract Code. Upon such a request, the State
20 Personnel Board shall review the contract for compliance with the
21 standards specified in subdivision (a) of Section 19130. If the State
22 Personnel Board either ~~prohibits a proposed contract from being~~
23 ~~executed or nullifies~~ *disapproves a proposed contract prior to*
24 *execution or disapproves* an executed contract on the basis of the
25 review described in this section, the department or agency
26 submitting the contract ~~is authorized to create and fill a civil service~~
27 ~~position~~ *may appoint a limited term employee, as defined in Section*
28 *18530, for the equivalent number of hours for each contractor*
29 *position requested in the submitted contract. The appointment of*
30 *a limited term employee shall occur only if the department or*
31 *agency provides written notice of the appointment to the*
32 *chairpersons of the committees in each house of the Legislature*

1 *that consider appropriations and the annual Budget Act and the*
2 *Chairperson of the Joint Legislative Budget Committee, and the*
3 *committees each approve the appointment within 15 days of*
4 *notification, or a shorter period as the chairperson of the joint*
5 *committee, or his or her designee, may require.*

6 SEC. 2. Section 19132 of the Government Code is amended
7 to read:

8 19132. The State Personnel Board, at the request of an
9 employee organization that represents state employees, shall review
10 the adequacy of any proposed or executed contract which is of a
11 type enumerated in subdivision (b) of Section 19130. The review
12 shall be conducted in accordance with subdivision (c) of Section
13 10337 of the Public Contract Code. However, a contract that was
14 reviewed at the request of an employee organization when it was
15 proposed need not be reviewed again after its execution. If the
16 State Personnel Board either ~~prohibits a proposed contract from~~
17 ~~being executed or nullifies~~ *disapproves a proposed contract prior*
18 *to execution or disapproves* an executed contract on the basis of
19 the review described in this section, the department or agency
20 submitting the contract ~~is authorized to create and fill a civil service~~
21 ~~position~~ *may appoint a limited term employee, as defined in Section*
22 *18530, for the equivalent number of hours for each contractor*
23 *position requested in the submitted contract. The appointment of*
24 *a limited term employee shall occur only if the department or*
25 *agency provides written notice of the appointment to the*
26 *chairpersons of the committees in each house of the Legislature*
27 *that consider appropriations and the annual Budget Act and the*
28 *Chairperson of the Joint Legislative Budget Committee, and the*
29 *committees each approve the appointment within 15 days of*
30 *notification, or a shorter period as the chairperson of the joint*
31 *committee, or his or her designee, may require.*